

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 COME-00 DODE-00

DOT-00 FMC-01 INR-07 NSAE-00 SAL-01 CG-00 DLOS-06

OES-06 SS-15 PA-01 PRS-01 PM-04 SP-02 L-03 AF-08

ARA-06 EA-07 NEA-10 OIC-02 /113 W

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R 141809Z SEP 76

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 5473

INFO USMISSION USUN NEW YORK

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USUN PASS TO LOS DELEGATION

E.O. 11652: N/A

TAGS: PORG, IMCO, UR, CH

SUBJECT: IMCO LEGAL COMMITTEE: SOVIET PROPOSAL RE
REGIME OF VESSELS IN FOREIGN PORTS

1. SUMMARY: FOR FIRST TIME IN LEGAL COMMITTEE HISTORY, PEOPLES REPUBLIC OF CHINA DELEGATION ATTENDED COMMITTEE MEETING AND ATTACKED SOVIET PROPOSAL ON REGIME OF VESSELS IN FOREIGN PORTS. SOVIETS SUBSEQUENTLY PRIVATELY SOUGHT US RECONSIDERATION OF THEIR PROPOSAL, CITING POSSIBILITY OF FUTURE ACTION IN DEVELOPING COUNTRY PORTS HARMFUL TO INTERNATIONAL SHIPPING. END SUMMARY.

2. DURING FIRST DAY OF 31ST MEETING OF LEGAL COMMITTEE, DELEGATIONS RACED THROUGH AGENDA ITEMS ON WRECK REMOVAL AND SOVIET PROPOSAL REGARDING THE REGIME OF VESSELS IN FOREIGN PORTS, ITEMS ORIGINALLY INTENDED TO MAKE UP BULK OF THE WEEK'S WORK. (SUMMARY REPORTS ON BOTH 30TH AND 31ST SESSIONS TO FOLLOW SEPTTEL.)

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3. USSR REINTRODUCED PERENNIAL SOVIET PROPOSAL FOR NEW

CONVENTION ON REGIME OF VESSELS IN FOREIGN PORTS. SOVIETS ARGUED THAT THERE WAS GENERAL NEED FOR UNIFORM RULES REGULATING RELATIONS BETWEEN PORT STATES AND VESSELS; AND CONTENDED THAT SEVERAL GOVERNMENTS SHARED THIS VIEW. SOVIET PRESENTATION VERY GENERAL, WITH NO DETAILS REGARDING SPECIFIC CIRCUMSTANCES CONVENTION INTENDED TO REMEDY. POLAND AND GDR SUPPORTED.

4. OTHER DELS. INCLUDING US, CANADA, UK, FRANCE, JAPAN, FRG, AUSTRALIA, ITALY, SWEDEN AND SRI LANKA, OPPOSED PROPOSAL OUTRIGHT OR URGED DEFERRAL UNTIL OUTCOME OF LOS CONFERENCE. US AND OTHERS POINTED OUT THAT THERE WAS NO EVIDENT NEED FOR CONVENTION; THAT SOVIET DRAFT WAS NOT ACCEPTABLE BASIS FOR DISCUSSION; AND THAT NO DETAILED DISCUSSION POSSIBLE IN ANY EVENT UNTIL RELEVANT PROVISIONS OF ANY NEW LOS TREATY CLARIFIED. SRI LANKA ALSO NOTED THAT SOVIET PROPOSAL WOULD IMPAIR COASTAL STATE SOVEREIGNTY TO UNACCEPTABLE DEGREE.

5. PEOPLES REPUBLIC OF CHINA DELEGATION (ATTENDING IMCO LEGAL COMMITTEE FOR FIRST TIME) MADE ITS SOLE INTERVENTION OF THE DAY IN A VIGOROUS ATTACK ON SOVIET PROPOSAL. CHINESE DEL MAINTAINED THAT EACH STATE MUST BE LEFT FREE TO DETERMINE THE CONDITIONS IMPOSED ON VESSELS IN ITS PORTS, OR TO RESOLVE PARTICULAR ISSUES WITH OTHER CONCERNED COUNTRIES THROUGH BILATERAL SHIPPING AGREEMENTS. SOVIETS EXPLICITLY ACCUSED OF HAVING ULTERIOR MOTIVES TO QUOTE INFRINGE UPON COASTAL STATE SOVEREIGNTY END QUOTE BY PROVIDING FOR PORT ENTRY UPON PRETEXT OF FORCE MAJEURE, OR BY PROVIDING FOR LIMITATIONS ON PORT STATE ACTION WHEN MASTER GIVES SPECIFIED ASSURANCES. CHINESE ASSERTED THAT SOVIET PROPOSAL WAS QUOTE OUT AND OUT ROBBING OF COASTAL STATE SOVEREIGNTY, A RESTATEMENT OF THE DOCTRINE OF SO-

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CALLED LIMITED SOVEREIGNTY PROCLAIMED BY SOVIET LEADERS,
END QUOTE.

6. DESPITE STRONG OPPOSITION, INCLUDING VIGOROUS CHINESE
OBSERVATION. BASIC SOVIET PROPOSAL APPEARS TO HAVE SUR-
VIVED TO RE-EMERGE FOR DISCUSSION AT SOME FUTURE LEGAL
COMMITTEE MEETING. ALTHOUGH FUTURE WORK PROGRAM NOT YET
DECIDED, STRONG USSR-POLISH-GDR SUPPORT, LUKEWARM WILLING-
NESS OF SOME OTHER DELS TO DISCUSS IN THE FUTURE, AND
SUBTLE DIRECTION OF LEGAL COMMITTEE CHAIRMAN MASLOV (USSR)
SEEM CERTAIN TO KEEP SOVIET PROPOSAL ALIVE FOR FUTURE
DISCUSSION.

7. DURING BREAK, SOVIET DELEGATE APPROACHED USDEL (CROOK)
AND URGED THAT WASHINGTON BE ASKED TO RECONSIDER US POSI-
TION. SOVIET DEL STRESSED POSSIBILITY OF FUTURE ACTIONS
BY DEVELOPING COUNTRIES INIMICAL TO SHIPPING, AND DES-
CRIBED POSSIBLE BENEFITS OF AN IMCO-DEVELOPED CONVENTION
AS A CHECK ON FUTURE ABUSES IN PORTS OF DEVELOPING
COUNTRIES. SOVDEL STRESSED INCREASING NUMBER OF DEVELOP-
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ING COUNTRIES BEGINNING TO TAKE AN INTEREST IN INTER-
NATIONAL SHIPPING, INCLUDING STATUS OF VESSELS VISITING
THEIR PORTS. USDEL PROMISED TO BRING SOVIET VIEW TO
WASHINGTON'S ATTENTION, BUT EXPRESSED DOUBT THAT US VIEW
IS LIKELY TO CHANGE. FYI: THIS TENDS TO CONFIRM OUR
PRIOR IMPRESSION THAT SOVIETS ARE PREOCCUPIED WITH THEIR
VESSELS' DIFFICULTIES IN DEVELOPING COUNTRIES, RATHER THAN
WITH TREATMENT RECEIVED IN US AND OTHER DEVELOPED
COUNTRIES' PORTS. END FYI.

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